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Oregon Health Authority

Public Health Division - Chapter 333

Division 19

INVESTIGATION AND CONTROL OF DISEASES: GENERAL POWERS AND RESPONSIBILITIES

333-019-1015

Masking Requirements in Schools

(1) The Oregon Health Authority has the authority to adopt rules to prescribe measures and methods for controlling reportable diseases, including COVID-19. Children are required to attend school, which is a congregate setting where COVID-19 can spread easily if precautions are not taken. Two of the most important tools the state has to control COVID-19 are vaccination and masking. To protect students who for reasons of age or medical conditions are not eligible to be vaccinated, and those with underlying health conditions that make them more susceptible to complications from COVID-19, as well as to minimize the disruption of student education in schools because of exposure to a confirmed or suspected case of COVID-19, requiring universal use of masks or face coverings in schools is necessary.

(2) The requirements in this rule remain in effect unless the State Public Health Director or State Public Health Officer issues an order stating that the some or all requirements in this rule are no longer necessary to control COVID-19. If such an order is issued the Oregon Health Authority must provide notice to interested parties and otherwise take reasonable steps to ensure notice of the order is provided to those affected by this rule in accordance with ORS 183.335(1). The State Public Health Director or State Public Health Officer may also rescind such an order, and such a rescission must also be noticed as provided in this section. In determining whether this rule should remain in effect the State Public Health Director or State Public Health Officer will take into consideration as least the following information:

(a) The degree of COVID-19 transmission, as measured by case rates, percent positivity, and any other objective metrics indicative of current or potential transmission in Oregon.

(b) COVID-19 related hospitalizations and deaths.

(c) Disparate COVID-19 related health impacts on communities of color and tribal communities.

(d) Guidance from the U.S. Centers for Disease Control and Prevention.

(e) Proportion of the population partially or fully vaccinated.

(3) For purposes of this rule the following definitions apply:

(a) "COVID-19" means a disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

(b) "Face covering" means a cloth, polypropylene, paper or other face covering that covers the nose and the mouth and that rests snugly above the nose, below the mouth, and on the sides of the face.

(c) "Face shield" means a clear plastic shield that covers the forehead, extends below the chin, and wraps around the sides of the face.

(d) "Mask" means a medical grade mask.

(e) "Private individual workspace" means an indoor space within a school used for work by one individual at a time that is enclosed on all sides with walls from floor to ceiling and with a closed door.

(f) "School" means a public, private, parochial, charter or alternative educational program offering kindergarten through grade 12 or any part thereof.

(4) Schools must ensure that all individuals, including but not limited to staff, students, contractors and visitors wear a mask or face covering, except as provided in sections (5) and (6) of this rule, when in an indoor setting:

(a) At school during regular school hours;

(b) Engaged in educational activities such as field trips or off-campus classes during regular school hours; and

(c) At school engaged in educational activities outside of regular school hours.

(5) A face shield may be worn instead of a mask or face covering if an individual cannot wear a mask or face covering for medical reasons.

(6) An individual is not required to wear a mask or face covering under section (4) of this rule if the individual is:

(a) Is under five years of age or not yet in kindergarten; unless an individual is using public transportation or in transportation hubs in which case an individual under two years of age is not required to wear a mask, face covering or face shield.

(b) Is sleeping.

(c) Is actively eating or drinking.

(d) Is engaged in an activity that makes wearing a mask, face covering or face shield not feasible, such as when actively swimming.

(e) Is in a private individual workspace.

(f) Must remove the mask or face covering briefly because the individual's identity needs to be confirmed by visual comparison.

(g) Is practicing or playing a competitive sport at any level.

(h) Is officiating a competitive sport that requires a high level of physical exertion by the official.

(i) Is performing, including but not limited to playing music, delivering a speech to an audience, and theater. This exception does not apply to teaching.

(7) Nothing in this rule is intended to prohibit a school from complying with the Americans with Disabilities Act (ADA), the Rehabilitation Act, the Individuals with Disabilities Education Act., Title VII of the Civil Rights Act, ORS 659.850 or applicable provisions of ORS chapter 659A.

(8) A school that violates this rule is subject to a civil penalty of \$500 per day per violation.

Note: Go to <https://govstatus.egov.com/or-oha-face-coverings> to view public health orders that may have been issued under section (2) of this rule.

Statutory/Other Authority: ORS 413.042, ORS 431.110, ORS 431A.010 & ORS 433.004

Statutes/Other Implemented: ORS 431.110, ORS 431A.010 & ORS 433.004

History:

[PH 23-2022, minor correction filed 03/04/2022, effective 03/04/2022](#)

[PH 10-2022, adopt filed 01/28/2022, effective 01/28/2022](#)

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